

AMENDED IN SENATE APRIL 25, 2011

SENATE BILL

No. 589

Introduced by Senator Lowenthal
(Coauthor: Assembly Member Allen)

February 17, 2011

~~An act to amend Section 42885.5 of the Public Resources Code, relating to solid waste.~~ *An act to amend Section 25218.8 of the Health and Safety Code, relating to hazardous waste.*

LEGISLATIVE COUNSEL'S DIGEST

SB 589, as amended, Lowenthal. ~~Solid waste: tire recycling.~~ *Household hazardous waste.*

Existing law requires hazardous waste facilities to operate under hazardous waste facilities permits issued by the Department of Toxic Substances Control and exempts from this requirement a recycle-only household hazardous waste collection facility if the facility meets certain requirements, including that the public agency, or its contractor, that intends to operate a household hazardous waste collection facility, submit a certification regarding the operation of the facility to the certified unified program agency (CUPA).

This bill would allow, as an alternative to that requirement, that the facility accept only universal waste, as defined, and that this waste be managed pursuant to specified regulations.

~~The California Tire Recycling Act imposes a California tire fee on a new tire purchased in the state and the revenue generated from the fee is deposited in the California Tire Recycling Management Fund for expenditure, upon appropriation by the Legislature, by the Department of Resources Recycling and Recovery. The department is required to expend these funds in a manner consistent with the 5-year plan that the~~

department is required to adopt and update biennially, to establish goals and priorities for the waste tire program.

~~This bill would require the 5-year plan to reflect the priorities for waste reduction and recycling specified in the California Integrated Waste Management Act.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25218.8 of the Health and Safety Code
2 is amended to read:

3 25218.8. (a) Except as provided in subdivision (b), a hazardous
4 waste facilities permit shall be obtained for the operation of a
5 household hazardous waste collection facility.

6 (b) A hazardous waste facilities permit is not required for the
7 operation of a recycle-only household hazardous waste collection
8 facility if all of the following conditions are met:

9 (1) The facility accepts only the following recyclable household
10 hazardous waste materials for subsequent transport to an authorized
11 recycling facility:

- 12 (A) Latex paint.
- 13 (B) Used oil.
- 14 (C) Used oil filters.
- 15 (D) Antifreeze.
- 16 (E) Spent lead-acid batteries.
- 17 (F) Nickel-cadmium, alkaline, carbon-zinc, or other small
18 batteries, if the facility is in compliance with Section 25216.1.
- 19 (G) Intact spent fluorescent lamps.
- 20 (H) Intact spent high intensity discharge (HID) lamps.

21 (2) No hazardous wastes or other materials are handled at the
22 facility other than the materials specified in paragraph (1).

23 (3) The materials are transported to the collection facility by
24 either of the following:

- 25 (A) The person who generated the material.
- 26 (B) The authorized curbside household hazardous waste
27 collection program.

28 (4) The materials transported to the facility are transported in
29 accordance with Section 25218.5.

1 (5) The materials collected are not stored at the facility for more
2 than 180 days, except that less than one ton of spent lead-acid
3 batteries may be stored at the facility for up to one year. More than
4 one ton of spent lead-acid batteries shall not be stored at the facility
5 for more than 180 days.

6 (6) The materials collected are managed in accordance with the
7 hazardous waste labeling, containerization, emergency response,
8 and personnel training requirements of this chapter.

9 (7) The facility ~~is in compliance~~ *meets either of the following*
10 *conditions:*

11 (A) *The facility is in compliance with Section 25218.2.*

12 (B) *The facility accepts only universal waste, as defined in*
13 *Section 66291.9 of Title 22 of the California Code of Regulations,*
14 *and this waste is managed pursuant to Chapter 23 (commencing*
15 *with Section 66273.1) of Division 4.5 of Title 22 of the California*
16 *Code of Regulations.*

17 ~~SECTION 1. Section 42885.5 of the Public Resources Code~~
18 ~~is amended to read:~~

19 ~~42885.5. (a) The department shall adopt a five-year plan, which~~
20 ~~shall be updated every two years, to establish goals and priorities~~
21 ~~for the waste tire program and each program element. The five-year~~
22 ~~plan shall reflect the priorities for waste reduction and recycling~~
23 ~~specified in Section 40051.~~

24 ~~(b) On or before July 1, 2001, and every two years thereafter,~~
25 ~~the department shall submit the adopted five-year plan to the~~
26 ~~appropriate policy and fiscal committees of the Legislature. The~~
27 ~~department shall include in the plan, programmatic and fiscal issues~~
28 ~~including, but not limited to, the hierarchy used by the department~~
29 ~~to maximize productive uses of waste and used tires, and the~~
30 ~~performance objectives and measurement criteria used by the~~
31 ~~department to evaluate the success of its waste and used tire~~
32 ~~recycling program. Additionally, the plan shall describe each~~
33 ~~program element's effectiveness, based upon performance measures~~
34 ~~developed by the department, including, but not limited to, the~~
35 ~~following:~~

36 ~~(1) Enforcement and regulations relating to the storage of waste~~
37 ~~and used tires.~~

38 ~~(2) Cleanup, abatement, or other remedial action related to waste~~
39 ~~tire stockpiles throughout the state.~~

- 1 ~~(3) Research directed at promoting and developing alternatives~~
- 2 ~~to the landfill disposal of waste tires.~~
- 3 ~~(4) Market development and new technology activities for used~~
- 4 ~~tires and waste tires.~~
- 5 ~~(5) The waste and used tire hauler program and manifest system.~~
- 6 ~~(6) A description of the grants, loans, contracts, and other~~
- 7 ~~expenditures proposed to be made by the department under the~~
- 8 ~~tire recycling program.~~
- 9 ~~(7) Border region activities, conducted in coordination with the~~
- 10 ~~California Environmental Protection Agency, including, but not~~
- 11 ~~limited to, all of the following:~~
- 12 ~~(A) Training programs to assist Mexican waste and used tire~~
- 13 ~~haulers to meet the requirements for hauling those tires in~~
- 14 ~~California.~~
- 15 ~~(B) Environmental education training.~~
- 16 ~~(C) Development of a waste tire abatement plan, with the~~
- 17 ~~appropriate government entities of California and Mexico.~~
- 18 ~~(D) Tracking both the legal and illegal waste and used tire flow~~
- 19 ~~across the border and recommended revisions to the waste tire~~
- 20 ~~policies of California and Mexico.~~
- 21 ~~(E) Coordination with businesses operating in the border region~~
- 22 ~~and with Mexico, with regard to applying the same environmental~~
- 23 ~~and control requirements throughout the border region.~~
- 24 ~~(F) Development of projects in Mexico in the California-Mexico~~
- 25 ~~border region, as defined by the La Paz Agreement, that include,~~
- 26 ~~but are not limited to, education, infrastructure, mitigation, cleanup,~~
- 27 ~~prevention, reuse, and recycling projects, that address the~~
- 28 ~~movement of used tires from California to Mexico that are~~
- 29 ~~eventually disposed of in California.~~
- 30 ~~(e) The department shall base the budget for the California Tire~~
- 31 ~~Recycling Act and program funding on the plan.~~
- 32 ~~(d) The plan may not propose financial or other support that~~
- 33 ~~promotes, or provides for research for, the incineration of tires.~~

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